

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:22-CR-22

v.

Hon. Hala Y. Jarbou
U.S. District Judge

NATHON JAMES ZINK,

Defendant.

**GOVERNMENT'S INITIAL PRETRIAL
CONFERENCE SUMMARY
STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements [Rule 16(a)(1)(A)]

[] There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

[x] There are the following written records of oral statements:
Statements of Zink outlined in: June 9, 2021 MDOC hearing investigation report; August 24, 2020 MDOC hearing investigation report; March 8, 2021 MDOC hearing investigation report.

the substance of which

[x] has been disclosed to defense counsel

[] will be disclosed to defense counsel by _____

2. Written or Recorded Statements [Rule 16(a)(1)(B)]

[] There are no written or recorded statements or grand jury testimony of defendant.

[x] There are the following written or recorded statements or grand jury testimony:
Statements of Zink outlined in: U.S. District Court letter and envelope; Paw Paw letter and envelope; 6/07/21 letter and envelope intercepted at Marquette Branch Prison; Prisoner grievance forms; audio recording of Zink interview with FBI Special Agent; 9/3/2020 Federal Protective Service report; 9/3/2020 and 9/11/2020 KDPS reports.

All written or recorded statements

[x] have been disclosed to defense counsel

[] will be disclosed to defense counsel at ____.

B. Defendant's Prior Record [Rule 16(a)(1)(D)]

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
☒ The Government has disclosed defendant's prior criminal history.
☐ The Government is now making inquiry into defendant's prior criminal history.
The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects [Rule 16(a)(1)(E)]

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.

- ☒ The Government has the following documents, tangible objects, and physical evidence:

☐ Controlled Substances: _____

☐ Drug Paraphernalia: _____

☒ Records: MDOC records and prison records.

☐ Drug Records: _____

☐ Firearms: _____

☒ Other: U.S. District Court letter and envelope; Paw Paw letter and envelope; June 2021 letter and envelope intercepted at Marquette Branch Prison in June 2021.

- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:

☐ State: _____

☒ Federal: _____

Case no. 22-mj-79 Re: DNA buccal swab warrant

Case no. _____ Re: _____

- ☒ They have been made available for inspection and copying by defense counsel.

- ☒ Defense counsel should make evidence arrangements with AUSA Lauren Biksacky.

D. Reports of Examinations and Tests [Rule 16(a)(1)(F)]

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.

- ☒ The Government has or expects to have reports of the following examinations and tests:

☐ Drug Analysis

☒ Handwriting

☒ Fingerprints

☒ DNA

☐ Firearms/Nexus

☐ Gun Operability

☐ Computer Forensics

☐ Other

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☐ The Government does not presently intend to introduce 404(b) evidence.
- ☒ The Government does presently intend to introduce the following 404(b) evidence: In June 2021, Marquette Branch Prison intercepted a letter addressed to the U.S. District Court in Kalamazoo, Michigan. The return address was listed as Nathon Zink, Prisoner Number 507708. The handwritten letter contained threatening language, including, "do you know how easy it is to make a bomb fill with brass ball bearings out of a pressure cooker? I do and it's easy to complete!"
- ☒ The Government will provide pretrial notice of 404(b) evidence by: Any additional 404(b) notice will be provided to Defendant by one week before the final pretrial conference.

G. Other Discovery Matters:

II. TRIAL

- A. The Government requests a ☒ jury ☐ non-jury trial.
- B. Length of trial excluding jury selection is estimated at 3 days

III. MISCELLANEOUS

- ☐ This case may be appropriate for expedited resolution.
- ☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The Government is aware of the following potential conflict(s):
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- ☒ Government's plea negotiation policy:
Any plea resolution must be finalized three weeks prior to the final pretrial conference. After that time, no concessions will be made.

Date: February 22, 2022

/s/ Lauren F. Biksacky
LAUREN F. BIKSACKY
Counsel for the United States